

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

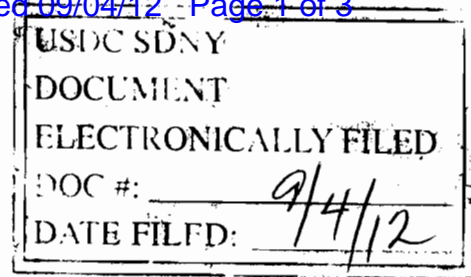
-----X  
ITA COHEN

Plaintiff,

- against -

CAPITAL ONE, N.A.

Defendant.  
-----X



NOTICE OF  
INITIAL CONFERENCE

12 Civ. 5368 (VM)

VICTOR MARRERO, United States District Judge.

Counsel for all parties are directed to appear before the Honorable Victor Marrero for an initial case management conference, in accordance with Rule 16 of the Federal Rules of Civil Procedure on **OCTOBER 5, 2012** at **10:30 a.m.** in **Courtroom 11B** at the United States Courthouse, 500 Pearl Street, New York, New York. **COUNSEL FOR PLAINTIFF IS DIRECTED TO IMMEDIATELY SEND A COPY OF THIS NOTICE TO ALL PARTIES.** Principal trial counsel must appear at this and all subsequent conferences.

In accordance with the Pilot Project Rules, the parties are directed to submit an initial report no later than seven days prior to the conference. Alternatively, the parties may make a joint submission, no later than seven days prior to the conference, showing cause why the initial report should be deferred until a later time. The initial report shall address the topics listed in Exhibit A to the Pilot Project Rules, propose a schedule for fact and expert discovery, and set forth the parties' positions regarding mediation and settlement negotiations.

Counsel are directed to review Judge Marrero's Individual Rules and the Pilot Project Rules. Judge Marrero's Rules may be obtained at the Clerk's/Cashier's Office on the first floor of the United States Courthouse, 500 Pearl Street, New York, New York, or by visiting the Court's internet site at [www.usdcsdny.gov](http://www.usdcsdny.gov). The Pilot Project Rules are attached to the order filed as docket number 2 on the docket for this case. **Requests for adjournment of the conference will be considered only if made in writing and otherwise in accordance with Judge Marrero's Rules.**

Dated: 15 August 2012  
New York, New York

CHAMBERS OF  
THE HONORABLE VICTOR MARRERO

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X		:
		:
	Plaintiff(s),	:
		:
- against -		:
		:
		:
	Defendant(s).	:
-----X		:

\_\_\_\_\_ Civ. \_\_\_\_\_ (VM)

**CIVIL CASE MANAGEMENT PLAN  
AND SCHEDULING ORDER**

This Scheduling Order and Case Management Plan is adopted in accordance with Fed. R. Civ. P. 16-26(f).

1. This case (is)(is not) to be tried to a jury: [circle one]
2. Joinder of additional parties to be accomplished by \_\_\_\_\_.
3. Amended pleadings may be filed without leave of the Court until \_\_\_\_\_.
4. Initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1) to be completed within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f), specifically by not later than \_\_\_\_\_.
5. All fact discovery is to be completed either:
  - a. Within one hundred twenty (120) days of the date of this Order, specifically by not later than \_\_\_\_\_; or
  - b. Within a period exceeding 120 days, with the Court's approval, if the case presents unique complexities or other exceptional circumstances, specifically by not later than \_\_\_\_\_.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the discovery completion date ordered by the Court.
  - a. Initial requests for production of documents to be served by \_\_\_\_\_.
  - b. Interrogatories to be served by all party by \_\_\_\_\_.
  - c. Depositions to be completed by \_\_\_\_\_.
    - i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
    - ii. Depositions of all parties shall proceed during the same time.
    - iii. Unless the parties agree or the Court so orders, non-party depositions shall follow party depositions when possible.
  - d. Any additional contemplated discovery activities and the anticipated completion date: \_\_\_\_\_

- \_\_\_\_\_
- e. Requests to Admit to be served no later than \_\_\_\_\_.
7. All expert discovery (ordinarily conducted following the completion of fact discovery) including parties' expert reports and depositions, witness lists and identification of documents pursuant to Fed. R. Civ. P. 26(a)(2), (3) and 35(b), is to be completed by:
- a. Plaintiff \_\_\_\_\_.
- b. Defendant \_\_\_\_\_.
8. Contemplated motions:
- a. Plaintiff: \_\_\_\_\_
- b. Defendant: \_\_\_\_\_
9. Following all discovery, all counsel must meet for at least one hour to discuss settlement, such conference to be held by not later than \_\_\_\_\_.
10. Do all parties consent to trial by a Magistrate Judge under 28 U.S.C. § 636(c)?
- Yes \_\_\_\_\_ No \_\_\_\_\_

-----

-

**TO BE COMPLETED BY THE COURT:**

11. The next Case Management Conference is scheduled for \_\_\_\_\_.

In the event the case is to proceed to trial, a firm trial date and the deadline for submission of the Joint Pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any dispositive motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and jury instructions shall be filed with the Joint Pretrial Order. No motion for summary judgment shall be served after the deadline fixed for the Joint Pretrial Order.

**SO ORDERED:**

DATED: New York, New York

\_\_\_\_\_

\_\_\_\_\_  
VICTOR MARRERO  
U.S.D.J.